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Delivering an Effective Debriefing



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Today's Focus

- Today we'll learn about the debriefing process in an effort to help businesses improve on future bids they submit
- We'll cover the who, what, where, when, why, and how of debriefing

Speakers

- John Normile
- Seth Johnson
- Brett Bush



What is a Debriefing?

- It is the act of informing businesses that were not selected during a bid of the reasons why they were not selected
- This helps businesses:
 - Learn how to prepare a better bid
 - Identify strengths and weaknesses in the bid they submitted
 - Understand why they were not selected

Why Do We Have to Offer Debriefings?

- New York State Finance Law (SFL) Section 163(9)(c)
- Amended in 2016-17 budget
 - Established more consistent practices across agencies
 - Provided more detail regarding procedural requirements and contents of debriefing

You Must Provide Notice to All Bidders

- All unsuccessful bidders must be provided with written notice
- Previously, not explicitly required by the statute
 - Agency practices varied

When Do Debriefings Happen?

- Tied to notice that bidder was unsuccessful
 - Clock starts
- Bidders may request a debriefing within 15 calendar days of notice that they were unsuccessful
- Previously, “within a reasonable period of time”
 - Agency practices varied

What is the Procedure?

- Agency will schedule debriefing “within a reasonable time of such request”
- Default method is in-person meeting, but other methods are permitted upon mutual agreement
 - Conference call
 - Videoconference
- Agency personnel participating in the debriefing must have:
 - “Been involved with” the procurement and evaluation
 - Be “knowledgeable about” the procurement and evaluation

What Does a Debriefing Include?

- The reason the bid was unsuccessful
- How the bid was evaluation
- Application of the selection criteria to the unsuccessful bid
- After final award, the reason for the selection of the winning bid
- To the extent practicable, general advice and guidance on ways to improve future bids or be more responsive

Helpful Resource

NYS Procurement Council Debriefing Guidelines

- Overview guidance document created in 2009
- No changes when guidelines were updated in 2014
- Reiterates debriefing is required as part of the overall goal of State Finance Law to be fair, open and transparent
- Allows flexibility concerning requests for debriefing

Helpful Resource

NYS Procurement Council Debriefing Guidelines

- Every solicitation must contain notice of the availability of the debriefing opportunity
 - Model language for solicitations is available (OGS Appendix B)
- Basic elements for request
 - When to request
 - How to request
 - To whom the request should be sent



When and How to Request a Debriefing

When to Request

- SFL requires a request within 15 days of notification of non-award
- Consult with your counsel's office for a determination of what is best for your entity and your solicitation

How to Request

- OGS requires a written request
 - Doesn't need to be a formal – email is sufficient
 - Provides some documentation for the procurement record

How Does the Actual Debriefing Take Place?

- Can be carried out in a variety of formats, or a combination thereof
 - Phone
 - Face-to-face
 - Webinar
- Default method is in person
- The purpose is to provide information as to why a vendor was not awarded a contract

A Best Practice

- OGS requests vendors submit questions in writing prior to the debriefing
 - Not required by statute, but is helpful
 - Allows us to pull together the information needed
 - We can be certain that all appropriate people are present

Things to Consider

- A debriefing will vary depending on the timing of the request
 - Prior to award, OGS limits the debriefing to a review of that vendor's bid
 - After award, we will give a more comparative debriefing
- Vendors want feedback
 - A lot of time/money is invested into preparing a bid
 - Looking to improve their next submission

Debriefing Process

- Use a debriefing as an **opportunity to educate** the business community
- Use the debriefing as an opportunity to **get feedback** from the business community and improve future solicitations

Helpful Hints

- Debriefing is just one example of the overall information exchange that is part of the procurement cycle
 - Not the most effective; too late
 - May be avoided with better utilization of the other information exchange opportunities
 - Learning experience for both parties
- Communicate before the solicitation is released
- Encourage Q&A

Helpful Hints

- Be proactive – procurement is a constant information exchange with two main types:

Pre-Proposal

- Draft solicitation released for feedback from vendor community
- Roundtable discussions
- Q&A sessions
- Solicitation addendums (may result from any of the other exchanges)

After Receipt of Bids

- Public openings
- Publishing of bid tab
- Debriefing
- Protests
- Responsibility determination process

Helpful Hints

- Encourage vendors to utilize pre-procurement exchanges
 - The best time to ask questions is before the bid is submitted!
 - During these exchanges, be sure to answer questions as directly as possible
- Don't be vague or ambiguous – this is not helpful
 - Whenever possible, answer “yes” or “no” and then elaborate
 - Access Q&A responses online as part of a bid update

Helpful Hints

- After bid opening, be proactive
 - Post bid results
 - Include as much detail in non-award letters as possible
 - Vendor will not need further information from debriefing

Questions?

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We are here to help!

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